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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,137	02/27/2004	Daryl B. Olander	BEAS-01404US0	9240
23910 7590 02/01/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER BELOUSOV, ANDREY	
			ART UNIT 2109	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/789,137

Applicant(s)

OLANDER ET AL.

Examiner

Andrew Belousov

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to the original filing of February 27, 2004. Claims 1- 67 are pending and have been considered below.

#### ***Claim Objections***

1. Claims 22-24, 34, and 39-41 are objected to because of the following informalities:
  - a. Claims 22-24 appear to contain a typographical error in citing the dependency to claim 1, because otherwise it would render these claims duplicate of claims 2-4. Claims 22-24 will be treated as depending on claim 18 for the prosecution of this application.
  - b. Claim 34 recites the limitation "the representation" in line 2. There is insufficient antecedent basis for this limitation in the claim.
  - c. Claims 39-41 appear to contain a typographical error in citing the dependency to claim 1, because otherwise it would render claims 40 and 41 duplicate of claims 3 and 4, and claim 39 would have prior antecedent objections. Claims 39-41 will be treated as depending on claim 34 for the prosecution of this application.Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 67 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 67 is drawn to a computer code segments (electronic signals) embodied in a transmission medium. The Office considers an electronic signal to be a form of energy. Energy is not a series of steps or acts and ~~this~~ is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore not a compilation of matter. Thus, an electronic transmission signal does not fall within any of the four categories of invention. Therefore, Claim 67 is not statutory.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7-18, 20-35, 37-54, and 56-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Hearst (U.S. Patent No. 6,223,145).

**Claim 1, 50, 67:** Hearst discloses a method, machine readable medium and computer data signal embodied in a transmission medium for rendering a graphical user interface (GUI), comprising:

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- a. providing for the representation of the GUI as a set of controls wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- b. traversing the representation (col 10, lines 16),
- c. wherein the traversing comprises: associating a theme with a first control in the set of controls (col 10, lines 28-31);
- d. rendering the first control according to the theme (Fig. 1: 66 (i.e. conical));
- e. rendering any descendents of the first control according to the theme (Fig. 1: 68, 70);
- f. wherein any descendents of the first control can override the theme (col 2, line 52 - col 3, line 10); and
- g. wherein one of the set of controls can communicate with another of the set of controls (col 9, lines 34-63).

**Claim 18:** Hearst discloses a method for rendering a graphical user interface (GUI), comprising:

- a. accepting a request (col 10, lines 25-28);
- b. mapping the request to a set of controls that represent the GUI (Fig. 12: 206),  
and
- c. wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- d. traversing the representation (col 10, lines 16), wherein the traversing comprises:
- e. associating a theme with a first control in the set of controls (Fig. 1: 68, 70);
- f. rendering the first control according to the theme (Fig. 13, 60);

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- g. rendering any descendents of the first control according to the theme (Fig. 1: 68, 70); and
- h. wherein any descendents of the first control can override the theme (col 2, line 52 - col 3, line 10).

**Claim 34:** Hearst discloses a method for rendering a graphical user interface (GUI), comprising:

- a. providing for the representation of the GUI as a plurality of controls wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- b. traversing the representation (col 10, lines 16), wherein the traversing comprises:
- c. associating a first theme with a first control in the plurality of controls (col 10, lines 28-31: theme: conical, is associated with the conic structure (1st control));
- d. rendering the first control according to the first theme (Fig. 1: 66 (i.e. conical));
- e. associating a second theme with a second control in the plurality of controls (Fig. 1, 96: 2nd theme: nodes);
- f. rendering the second control according to the second theme (Fig. 1, 96); and
- g. wherein the second control is a descendant of the first control (Fig. 1: 60, the nodes are visually descendant off from the conic structures).

**Claim 2, 22, 51:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: one of the set of controls can respond to an event raised by another of the set of controls (col 9, lines 34-63).

**Claim 3, 23, 40, 52:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: a control can have an interchangeable persistence mechanism (Fig. 10, 43).

**Claim 4, 24, 41, 53:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: a control can have an interchangeable rendering mechanism (Fig. 10, 32).

**Claim 5, 35, 54:** Hearst discloses a method and machine readable medium of claims 1, 34 and 50, further comprising: accepting a request (col 10, lines 25-28).

**Claim 7, 20, 37, 55:** Hearst discloses a method and machine readable medium of claims 5, 18, 35 and 54 wherein the request originates from a Web browser (Fig. 13: 216 ("Search Book"); col 9, lines 40-43).

**Claim 8, 21, 38, 57:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50, further comprising: generating a response (Fig. 12: 206).

**Claim 39:** Hearst discloses the method of claim 34 wherein: the first control can respond to an event raised by the second control (col 9, lines 34-63).

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**Claim 9, 25, 42, 58:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: an control can represent one of: button, text field, menu, table, window, window control, title bar, pop-up window, check-box button, radio button, window frame, desktop, shell, head, body, header, footer, book, page, layout, placeholder, portlet and toggle button (col 10, line 25).

**Claim 10, 26, 59:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: associating the theme with the first control can occur when the first control is rendered (col 10, lines 28-31).

**Claim 11, 27, 43, 60:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the first control inherits the theme from a parent control (Fig. 1, parent: 62, 1<sup>st</sup> control: 66).

**Claim 12, 28, 44, 61:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the theme specifies the appearance and/or functioning of an control in the GUI (Fig. 13: 216; col 10, lines 48-49).

**Claim 13, 29, 62:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: rendering the first control according to the theme can be accomplished in parallel with rendering of other controls (Fig. 13, illustrates sets of controls displayed simultaneously (i.e. in parallel)).



**Claim 45:** Hearst discloses the method of claim 34 wherein: the rendering the first control can be accomplished in parallel with the rendering of the second control (Fig. 13, illustrates sets of controls displayed simultaneously (i.e. in parallel)).

**Claim 14, 30, 46, 63:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the theme can be specified in whole or in part by a properties file (col 9, lines 19). The examiner notes that it is inherent that instructions would be in a form of a 'file' on the disk drive, floppy, etc.

**Claim 15, 31, 47, 64:** Hearst discloses a method and machine readable medium of claims 14, 30, 46 and 63 wherein: the properties file can include at least one of: 1) cascading style sheet; 2) Java Server Page; 3) Extensible Markup Language; 4) text; 5) Hypertext Markup Language; 6) Extensible Hypertext Markup Language; 7) JavaScript; and 8) Flash MX (col 10, lines 12-15).

**Claim 16, 32, 48, 65:** Hearst discloses a method and machine readable medium of claims 14, 30, 46 and 63 wherein: the properties file can specify at least one image (col 10, lines 12-15). The examiner notes that computer languages allow for specification of images in one shape or form, therefore it's inherent that the properties file can specify an image.

**Claim 17, 33, 49, 66:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the GUI is part of a portal on the World Wide Web (fig. 13: 216 ("Search Book")); col 9, lines 40-43).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 19, 36, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearst.

**Claim 6, 19, 36, and 55:** Hearst discloses a method and machine readable medium of claims 5, 18, 35 and 54. While Hearst does not explicitly disclose that the request is sent in a hypertext transfer protocol (HTTP) request, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to use HTTP as it was a widely used standard on World Wide Web for request transfers.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB  
Jan 25, 2006

  
James W. Myhre  
Supervisory Primary Examiner